

Appl. No. : **10/821,667**
Filed : **April 9, 2004**

REMARKS

Applicants thank the Examiner for the indication of allowable Claim 33. In order to expedite allowance of the present application, Claims 1, 27-32 and 33 have been amended and Claims 5-14, 19-22 have been cancelled. Applicants reserve the right to pursue the scope of previous versions of Claims 1 and 27-32, as well as other subject matter and cancelled subject matter, at a later date. By way of summary, Claims 1-4 and 26-33 are now pending, of which Claims 27-32 are withdrawn.

Although the Applicants respectfully disagree with Examiner's rejections, in order to accelerate the prosecution and place the application in a condition for allowance, Applicants have amended Claim 1 to recite "[a] pharmaceutical composition for treating asthma associated with increased IgE levels...." As indicated by the Examiner in the final Office Action dated September 5, 2007, the specification is enabling for treating allergic asthma (page 4, 3rd paragraph). Therefore, Claim 1 as amended has overcome the only remaining rejection, and is now enabling and allowable. Claims 2-4 and 26 depend on Claim 1 and further recite unique combination of features not taught or suggested by the cited art. Accordingly, Applicants respectfully request that the rejection of Claims 1-4 and 26 be withdrawn.

Applicants have also amended Claim 33 and the specification to correct recently-discovered typographical errors in the nomenclatures of compounds. Several nomenclatures of claimed compounds recite "(R group)-amino-phenyl," which should have been "(R group)-amido-phenyl." For example, paragraph [0143] of the specification refers to the synthesis of compound 24 shown on page 17 of the specification as filed. According to the synthetic scheme 2 and the chemical structure of compound 24, it is obvious that the nomenclature N-{4-[5-(4-cycloheptylamino-phenyl)-1H-imidazol-2-yl]-phenyl}-cycloheptylamide (24) contains a typographical error. Similar typographical errors were found in paragraph [0147], which refers to synthetic scheme 3 and the chemical structure of compound 36 shown on page 18, and in paragraph [0171], which refers to synthetic scheme 8 and the chemical structure of compound 88 on page 23 of the specification. Furthermore, the nomenclature is merely being corrected to recite the proper generic structure searched and found allowable by the Examiner (see the nomenclature and the structure of elected species compound 127, on page 31 and paragraph [0248]). Since the amendments to Claim 33 and the specification are to correct obvious

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typographical errors, the amendments do not raise any issue of new matter and thus do not require further consideration or search. Accordingly, Applicants respectfully request that the Examiner maintains the allowability of Claim 33 and enters the amendments in the specification.

The withdrawn Claims 27-32 as amended are process claims commensurate in scope with the allowable Claim 1. Applicants respectfully request that the restriction requirement be withdrawn and the claims be allowed.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

CONCLUSIONS

Applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. In view of the remarks set forth above, Applicants respectfully submit that Claims 1-4 and 26-33 in this application are now in condition for allowance. If the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, Examiner is respectfully invited to contact the undersigned at telephone number appearing below.

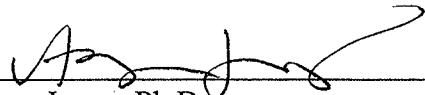
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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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